

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**CANDACE ROSS**

**Plaintiff,**

**v.**

**KC WILLOW CREEK, LLC, ET AL.**

**Defendants.**

**Case No.** \_\_\_\_\_

**NOTICE OF REMOVAL**

Please take notice that Defendants KC Willow Creek, LLC (“Willow Creek”) and Landmark Realty, LLC (“Landmark”) (collectively “Defendants”), pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby remove the above-captioned action to this Court from the Circuit Court of Jackson County, Missouri. As grounds for removal, Defendants state as follows:

1. On June 2, 2022, Plaintiff commenced a civil action in the Circuit Court of Jackson County, Missouri, styled: *Candace Ross v. KC Willow Creek, LLC and Landmark Realty, LLC*, Case No. 2216-CV12319. A copy of the petition filed in state court is attached hereto as **Exhibit**

**1.** Copies of all other process, pleadings, and orders on file in the state court are attached hereto as **Exhibit 2.**

2. Willow Creek was served with a copy of the summons and petition on June 16, 2022. Landmark was served with a copy of the summons and petition on June 13, 2022. This matter is timely removed under 28 U.S.C. § 1446(b), which requires that a notice of removal be filed within thirty (30) days of service of the summons and petition on the removing parties.

3. 28 U.S.C. § 1441(a) provides for removal of “any civil action in a State court of which the district courts of the United States have original jurisdiction.” Pursuant to the federal diversity statute, 28 U.S.C. § 1332(a), the federal district courts “have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.” Here, both elements of federal diversity jurisdiction are satisfied.

4. This action involves an amount in controversy that exceeds \$75,000, exclusive of interest and costs. This is a personal injury case in which Plaintiff asserts general negligence claims against Defendants from an alleged accident at Willow Creek on February 19, 2021. As a result of such accident, Plaintiff claims that she suffered “serious and permanent injuries,” including a fractured leg that required “several weeks in a cast” and subsequent treatment with a brace and physical therapy, and other injuries to her hand, shoulder, hip and knee. Plaintiff alleges that her injuries are “ongoing and permanent” and cause her “to experience pain and [continuing] symptoms.”

5. Although Defendants deny all liability in this case, the facts alleged by Plaintiffs could support a jury award of compensatory damages much larger than \$75,000. *See, e.g., Montgomery v. Wilson*, 331 S.W.3d 332 (Mo. Ct. App. 2012) (noting verdict of \$650,000 entered against defendant on theory of premises liability based on slip and fall).

6. The parties in this case are also completely diverse:

- a. As alleged in the Petition, Plaintiff a resident and citizen of the State of Missouri.
- b. As alleged in the Petition, Defendants are both limited liability companies. Defendants’ citizenships for purposes of diversity jurisdiction are

determined by the citizenships of their members. *Little Otters of Love, LLC v. Rosenberg*, 724 Fed. App'x 498, 501 (2018) (“For purposes of establishing diversity, a limited liability company’s citizenship is the citizenship of each of its members.” (citing *OnePoint Solutions, LLC. v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007))). The sole member of both Willow Creek and Landmark is Robert Imhoff, who is a citizen of the State of California.

- c. Because Plaintiff is a citizen of Missouri and the only named defendants are both citizens of California, complete diversity exists in this case.

7. In light of the amount in controversy and the complete diversity of citizenship, the Court has original jurisdiction over this case under Section 1332(a) and the matter is removable under Sections 1441 and 1446. Removal to this Court is not prohibited under Section 1441(b)(2) because both Defendants are parties to this Removal. The requirements of Section 1446 are also satisfied because this Notice of Removal is timely filed.

8. In accordance with Section 1446(a), copies of the record and proceedings in the state court action – including all process, pleadings and orders – are attached to this Notice of Removal.

9. In accordance with Section 1446(d), Defendants will promptly serve written notice of removal to Plaintiff’s attorneys of record in the state court action and file with the state court a copy of this Notice of Removal.

10. In accordance with Section 1441(a), Defendants have removed this case to the Western Division of this Court and designates Kansas City as the place of trial.

11. By this Notice of Removal, Defendants do not waive any affirmative defense that they may possess. Defendants do not concede that Plaintiff had stated any viable claim for relief against them, and Defendants deny any and all liability in this action.

WHEREFORE, Defendants file this Notice of Removal and request that the Court assume full jurisdiction over the claims asserted in this action under 28 U.S.C. §§ 1332, 1441 and 1446.

Respectfully submitted,

**THE PORTO LAW FIRM**

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*Attorneys for Defendants KC Willow Creek, LLC  
and Landmark Realty, LLC*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that the foregoing document was served this 12th of July, 2022, via United States mail and electronic mail to the following counsel of record:

**Counsel for Plaintiff**

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